IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.828 OF 2007

Shri.Ravi Namdeo Joshi ..Applicant
Vs.
State of Maharashtra ..Respondents

...

Mr. S.B.Keshwani i/b Pt.C.R.Mishra and Co. for applicant
Mr. K.V.Saste A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 22, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in CR No.50 of 2007 in Santacruz Police Station, Mumbai. The said case is mainly under Sections 326 and 324 of IPC.

3. The complainant had lodged some N.C. complaints against the applicant. On 5.2.2007, when the complainant was returning home on his motorcycle, applicant and co-accused stopped his motor cycle. The applicant abused the complainant and stated that "you are making complaints against me? Now I will see you". At that time, the

applicant was armed with hockey stick, some of the co-accused were armed with iron rods. After abusing and stating as above to the complainant, the applicant assaulted the complainant on head with hockey stick, the co-accused assaulted him with iron rods, fist and kick blows. On account of this, complainant sustained bleeding injury on his head. On hearing shouts of the complainant, his friend Dhinredra Mishra intervened. He was also assaulted by the applicant and by other co-accused by hockey stick. The complainant sustained two injuries i.e. (1) C.L.W. 4 cms. x 1/2 cm on left temporal region and (2) C.L.W. 1 cm x 1/2 cm on right temporal region. The injuries sustained by the Dhirendra Mishra are as under:

. 1. Contused lacerated wound, 3 x 1/2 cm. on parito-occipital region;

. 2. Contused lacerated wound, 1 x 1/2 cm. on cheek"

4. The learned counsel for the applicant submitted that both the complainant and his friend were discharged on the same day from the hospital and hence, case would not fall under Section 326 of IPC but it would fall under Section 324 of IPC. On the

other hand, the learned A.P.P. pointed out that the applicant has assaulted on the head of both these witnesses. Moreover, he has submitted that this incident occurred because the complainant had made N.C. complaints against the present applicant. Besides earlier N.Cs. lodged by the complainant against the accused, even after the incident, the applicant has threatened the complainant that if he did not withdraw his complaints, he will face dire consequences. The complainant has lodged N.C.No.616 of 2007 dated 2.3.2007 in this respect.

5. Even assuming that case under Section 326 of IPC is not made out. This is an application for anticipatory bail. The applicant has assaulted the complainant and one more witness on the head with hockey stick. Injuries caused by the applicant and co-accused are as stated above. They are on vital parts of the body. Looking to all these facts and the above circumstances, I do not think that this is a fit case to grant anticipatory bail.

6. Application is rejected.

[V.K.Tahilramani, J.]